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May 10, 2002

OFFICE OF THE
EXECUTIVE SECRETARY

Mr. David Waddell
Executive Secretary
Tennessee Regulatory Authority
360 James Robertson Parkway
Nashville, TN 37201

Re: *BellSouth Telecommunications, Inc. Tariff to Introduce CCS7 Access
Arrangement Service*
Docket No. 02-00024

Dear David:

Please find enclosed the original and thirteen copies of a Joint Intervention filed on behalf of XO Tennessee, Inc., US LEC of Tennessee, Time Warner Telecom of the Mid-South, L.P. and ITC^DeltaCom Communications, Inc. to intervene in the above captioned proceeding.

Copies have been forwarded to Guy Hicks of BellSouth Telecommunications, Inc.

Very truly yours,

BOULT, CUMMINGS, CONNERS & BERRY, PLC

By:

Henry Walker

HW/nl
Enclosure

**BEFORE THE TENNESSEE REGULATORY AUTHORITY
NASHVILLE, TENNESSEE**

In re: *BellSouth Telecommunications, Inc. Tariff to Introduce CCS7 Access Arrangement Service*

Docket No. 02-00024

**JOINT PETITION OF XO TENNESSEE, INC., US LEC OF TENNESSEE, INC., TIME
WARNER TELECOM OF THE MID-SOUTH, L.P., AND ITC^DELTACOM
COMMUNICATIONS, INC. TO CONVENE A CONTESTED CASE PROCEEDING
AND TO PERMIT PETITIONERS TO INTERVENE**

XO Tennessee, Inc. ("XO"), US LEC of Tennessee, Inc. ("US LEC"), Time Warner Telecom of the Mid-South, L.P. ("Time Warner") and ITC^DeltaCom Communications, Inc. ("ITC^DeltaCom") (collectively the "Petitioners"), petition the Tennessee Regulatory Authority ("TRA" or "Authority") to convene a contested case proceeding and to permit Petitioners to intervene.¹ The Petitioners submit this Petition with respect to the January 9, 2002 Tariff submitted by BellSouth Telecommunications, Inc. ("BellSouth").

I. Tariffed Service and Charges

SS7 is an inherent function of the telephone network in Tennessee and the entire country. SS7 provides signaling functionality for call routing and completion as well as access to various databases. SS7 is used in network management. SS7 is more efficient than the obsolete Dual Tone Multi-Frequency ("DTMF") signaling because it allows faster dialing or "quick call set-up" by checking to ensure the line is open before seizing the trunk. SS7 messages are used for

¹ Petitioners will continue their efforts to negotiate the outstanding issues but in an abundance of caution are filing this Petition in case the negotiations fail.

virtually every single phone call. The only exception to the use of SS7 of which the Petitioners are aware of occurs when a 911 call is placed and DTMF is still used. Otherwise all calls use SS7. The proposed Tariff adds a per message Transaction Capabilities Application Part ("TCAP") and Integrated Services Digital Network User Part ("ISUP") charge of \$.000035 and \$.000123 respectively and monthly recurring charges, in addition to the normal recurring monthly charge already assessed on the jurisdictionally interstate traffic.

In one telephone call there are typically at least five (5) ISUP messages and one TCAP message. ISUP messages are for call acknowledgment, call set-up, and call processing. A TCAP message is used for caller identification ("Caller ID"), 800 or toll-free calls, and Caller Name And Number database ("CNAM"). The Tariff would apply to all telecommunications providers - ILECs, CLECs, IXCs, wireless carriers, and third party SS7 providers. The Petitioners lawfully operate as CLECs and as IXCs in Tennessee, and this Tariff will substantially impact the interests of the Petitioners and their business operations in the State of Tennessee.

As background, the Authority delayed the effective date of this Tariff to permit the parties to negotiate. Petitioners attempted to resolve four outstanding concerns regarding this Tariff with BellSouth. After agreeing that the Parties were close to resolution on three of the four issues, BellSouth unexpectedly withdrew from the negotiation process without explanation. BellSouth apparently has taken the position that all four issues must be resolved or none will be resolved.

II. Issues

The four issues in dispute are as follows:

- (a) CLECs that use a third party hubbing vendor such as Illuminet will not be able to take advantage of signaling rates in their local interconnection agreement but will in fact always be charged the higher access rate, not local rates.

Petitioners understand that BellSouth will bill the party that is purchasing out of the intrastate tariff. However, if a CLEC purchases SS7 directly from BellSouth and has an interconnection agreement with BellSouth that provides a local calling area that is equal to the LATA, BellSouth should add language to its intrastate tariff to assure that BellSouth will honor its local interconnection agreements and apply the per message SS7 rate contained in the local interconnection agreement as opposed to the rates contained in the intrastate access tariff.

Petitioners propose the following language to address this concern:

"The SS7 per message rates contained in this tariff apply only to intrastate long distance traffic. In the event that a carrier has a local interconnection agreement providing a LATA wide local calling area, the applicable SS7 per message rates are those contained in the interconnection agreement."

- (b) BellSouth should not charge both the IXC and the CLEC for the same messages resulting in double billing.

While BellSouth has stated that double billing will not occur, Petitioners request that the following sentence or similar language be added to the Tariff:

"BellSouth will not bill any given SS7 message to more than one customer. Calls that originate from or terminate to an interexchange carrier and are jurisdictionally interLATA will be billed to the interexchange carrier."

- (c) If BellSouth provides a "Bill and Keep" arrangement for SS7 charges to any ILEC, BellSouth should make that option available as a potential alternative for CLECs.

On information and belief, BellSouth provides such "Bill and Keep" arrangements to ILECs pursuant to certain settlement agreements. BellSouth's failure to make "Bill and Keep" available to all carriers is arbitrary and discriminatory.

- (d) BellSouth should provide Petitioners with billing detail (the Originating Point Code and Destination Point Code) for the TCAP and ISUP messages. Petitioners provide services to other carriers such that Petitioners will be billed for SS7 messages for their own calls as well as for other carriers. Petitioners are entitled to know where the SS7 message originated and terminated so that Petitioners can accurately bill for those SS7 messages; as well as for bill verification/auditing purposes.

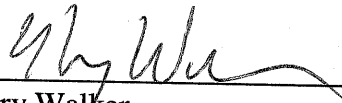
As of May 6th, Petitioner's understand that BellSouth's final position on this issue is that it would be willing to provide this billing detail but that the cost could be as much as \$300,000 per year. BellSouth advised it could not provide a better cost estimate due to lack of cost information regarding the cost of providing this billing detail. Petitioners request that the Authority require BellSouth to provide OPC/DPC billing detail and that the cost of providing that detail be factored into the "revenue neutral" Tariff filing.

Finally, although not one of the four issues raised by Petitioners, Petitioners request that the Authority accept BellSouth's offer, made during the Agenda meeting of May 7th, to conduct a review of the Tariff to determine whether the filing is "revenue neutral."

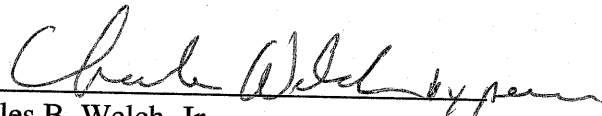
The Petitioners' rights and interests will be substantially affected by decisions made by the TRA regarding the Tariff and granting this Petition to Intervene will not impair the prompt and orderly conduct of these proceedings. Therefore, the Petitioners respectfully request that:

- (1) the Authority convene a contested case proceeding and that the Petitioners be granted full intervention in this matter;
- (2) that the Authority require BellSouth to make modifications to its Tariff as enumerated above; and
- (3) such other, further, general, specific and more equitable relief as may be just and proper under the circumstances be granted.

Respectfully submitted,



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Counsel for XO Tennessee and US LEC



Charles B. Welch, Jr.
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618 Church St., Suite 300
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Counsel for Time Warner



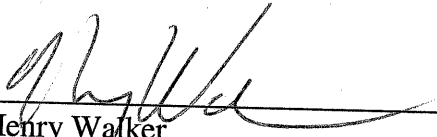
Nanette Edwards
Director - Regulatory
4092 S. Memorial Parkway
Huntsville, AL 35802

Counsel for ITC^DeltaCom

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing has been forwarded via fax or hand delivery and U.S. mail to the following on this the 10th day of May, 2002.

Guy Hicks, Esq.
BellSouth Telecommunications, Inc.
333 Commerce St., Suite 2101
Nashville, TN 37201-3300


Henry Walker